

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

ADD-ON ITEM

Meeting Date: 2/15/2006 - KL

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Jerry D. Sanders

AGENDA ITEM WORDING: Approval to rescind the verbal Resolution approved at the Special Meeting of the BOCC held 2/10/06 extending the deferral of the acceptance and processing of development applications and the issuance of development approval for the redevelopment or conversion of ten units or more of the multi-family rental housing and/or mobile home parks; continuing this policy until new land development regulations are adopted by the County Commission, from 2/13/06 – 2/15/06 as being unnecessary.

ITEM BACKGROUND:

PREVIOUS RELEVANT BOCC ACTION:

Resolution No. 029-2006 was passed and adopted by the BOCC at a regular meeting of the Board 1/18/06 extending the deferral from February 13, 2006 to May 15, 2006.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No xx **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John R. Collins 02/13/06
John R. Collins, County Attorney

DOCUMENTATION: Included X Not Required


DISPOSITION:

AGENDA ITEM #

DANNY L. KOLHAGE
CLERK OF THE CIRCUIT COURT

DATE: February 10, 2006

TO: Rhonda Norman, Acting Director
Growth Management Division

FROM: Pamela G. Hancock 
Deputy Clerk

At the January 18, 2006, Board of County Commissioner's meeting the Board adopted Resolution No. 029-2006 to extend the zoning in progress directing staff to defer the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks; continuing this policy until new land development regulations are adopted by the County Commission, and providing for expiration within three months after the expiration of Resolution No. 320-2005, whichever comes first.

Enclosed is a certified copy of the above-mentioned for your handling. Should you have any questions please do not hesitate to contact this office.

cc: County Attorney via facsimile
File

RESOLUTION NO. 029 -2006

A RESOLUTION TO EXTEND A ZONING IN PROGRESS DIRECTING STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE REDEVELOPMENT OR CONVERSION OF TEN UNITS OR MORE OF MULTI-FAMILY RENTAL HOUSING AND/OR MOBILE HOME PARKS; CONTINUING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE COUNTY COMMISSION, AND PROVIDING FOR EXPIRATION WITHIN THREE MONTHS AFTER THE EXPIRATION OF RESOLUTION NO. 320-2005, WHICHEVER OCCURS FIRST.

WHEREAS, on August 17, 2005 the Board of County Commissioners adopted Resolution No. 320-2005 deferring the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks; and

WHEREAS, on December 21, 2005 the Board of County Commissioners adopted an exception to Resolution No. 320-2005 for property owners willing to provide at least 30% of the total redeveloped units for affordable housing by placing a 99 year restrictive covenant on each unit; and

WHEREAS, Section 2 of Resolution No. 320-2005 provides that the ordinance shall stand repealed until new land development regulations are adopted or the passage of 180 days after the adoption of Resolution No. 320-2005; and

WHEREAS, staff, in cooperation with the Planning Commission has diligently pursued various text amendments; and

WHEREAS, the initial text amendment was presented to the Planning Commission in August to encourage the preservation of existing affordable housing by authorizing the placement of an affordable housing deed restriction on an existing dwelling unit and/or mobile home lot within a mobile home park in return for receiving a market rate allocation; and

WHEREAS, the Planning Commission directed staff to revise the draft ordinance; and

WHEREAS, Staff along with White and Smith, LLC incorporated the results of the *Housing Trends in Incorporated and Unincorporated Monroe County* report and further studies by James Nicholas, Professor of Urban and Regional Planning and Law at the University of Florida to create an ordinance which establishes an inclusionary housing standard and trust fund; and

WHEREAS, the Planning Commission made additional requests for information and the ordinance is scheduled to be heard by the Planning Commission on January 11th, 2006; and

WHEREAS, it will be at least several months before these amendments to the land development regulations will be adopted, extending past the time for expiration of the zoning in progress; and

WHEREAS, Planning Staff is not requesting to extend the portion of the resolution that directs staff to defer the acceptance and processing of development applications for a land use district zoning map

amendment from Urban Residential Mobile (URM) and Urban Residential Mobile Home-Limited (URM-L) to any other land use district zoning designation; and

WHEREAS, given the scope of the affordable housing issues and areas to be addressed the three month extension is necessary and reasonable in order to complete a fair and comprehensive planning and public participation process that results in legally and scientifically based policies and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The provisions set forth in Resolution No. 320-2005 and the exception passed at the December 21st, 2005 Board of County Commissioners meeting, deferring the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks shall remain in full force and in effect for an additional three month period of time.

Section 2. If any sentence, clause, item, change or provision of this section, subsection, or resolution is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All resolution or parts of resolutions in conflict with this resolution are hereby repealed to the extent of said conflict.

Section 4. This resolution shall be filed in the Office of the Secretary of State of the State of Florida.

Section 5. This Resolution shall stand repealed as of 11:59 p.m. on the last day of the three month period following the expiration date of Resolution 320-2005, unless repealed sooner upon the adoption by the Board of County Commissioners and approval by the Florida Department of Community Affairs of land development regulations and comprehensive plan amendments implementing the work program mandated by Rule 28-20.100 F.A.C.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of January, 2006.

Mayor Charles "Sonny" McCoy

yes

Mayor Pro Tem Murray Nelson

yes

Commissioner Dixie Spehar

yes

Commissioner George Neugent

yes

Commissioner David Rice

yes

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY

Mayor Charles "Sonny" McCoy

DANNY L. KOLHAGE
CLERK
MONROE COUNTY, FLA.

2006 FEB 10 PM 4:05

FILED FOR RECORD

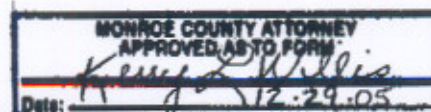


ATTEST:

DANNY L. KOLHAGE, CLERK

By: *Jamie Hancock*

Deputy Clerk



RESOLUTION NO. 320 -2005

A RESOLUTION DIRECTING THE STAFF OF GROWTH MANAGEMENT TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE REDEVELOPMENT OR CONVERSION OF TEN UNITS OR MORE OF MULTI-FAMILY RENTAL HOUSING AND/OR MOBILE HOME PARKS AND REQUESTS FOR A LAND USE DISTRICT ZONING MAP AMENDMENT FROM URBAN RESIDENTIAL MOBILE HOME (URM) AND URBAN RESIDENTIAL MOBILE HOME-LIMITED (URM-L) TO ANY OTHER LAND USE ZONING DISTRICT DESIGNATION; CONTINUING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; PROVIDING DEFINITIONS; PROVIDING FOR RETROACTIVE EFFECT; DIRECTING STAFF TO CONTINUE PREPARATION OF NEW AFFORDABLE HOUSING LAND DEVELOPMENT REGULATIONS

WHEREAS, the Board of County Commissioners discussed the need for and loss of affordable housing for the County workforce at its meeting of January 19, 2005; and

WHEREAS, the existing supply of employee and affordable housing is insufficient to meet the current demand for affordable workforce housing; and

WHEREAS, the Rate of Growth Ordinance (ROGO) limits the permits for new housing allocations in the County to maintain hurricane evacuation times; and

WHEREAS, the loss of existing affordable housing through redevelopment is reducing the available supply of such housing for the County workforce; and

WHEREAS, Objective 601.3 of the 2010 Comprehensive Plan directs the County to implement efforts to eliminate substandard housing and to *preserve, conserve and enhance the existing housing stock*; and

WHEREAS, affordable/employee housing has been identified by the Board of County Commissioners as one of three major commitments in the Partnership Agreement with the State approved by the Board on January 21, 2004; and

WHEREAS, multi-family rental housing and mobile home parks in the County serve a vital role in providing affordable workforce housing for those persons who live and work in the County; and

WHEREAS, economic pressure is increasing to convert the existing multi-family rental housing and mobile home parks to different housing types that are no longer affordable for County workforce; and

WHEREAS, a number of owners of this housing are exploring the possible change of use of their property, which will further decrease the existing supply of affordable and employee workforce housing; and

WHEREAS, conversion of existing multi-family rental housing and/or mobile home

parks into permanent residential dwellings or condominiums, some for use as "vacation rentals", will further reduce the availability of housing units that are currently workforce and employee housing in the County; and

WHEREAS, Florida Statute Sec. 380.0552 (7) PRINCIPLES FOR GUIDING DEVELOPMENT requires the County to conduct programs and regulatory activities to

"(j) make available adequate affordable housing for all sectors of the population of the Florida Keys"; and

WHEREAS, in order to make effective the preservation of existing affordable housing while the County prepares regulations to implement the Objective and Guiding Principle of Florida Statute Sec. 380.0552(7)(j), it is necessary to temporarily halt conversions and redevelopment of existing multi-family housing and/or mobile home parks of ten (10) or more units and changes of Land Use District Zoning Map Designations from URM and URM-L; and

WHEREAS, the Board of County Commissioners recognizes the need to develop land development regulations and programs to preserve the existing stock of affordable housing and increase the availability of affordable housing for those who live and work in the Florida Keys; and

WHEREAS, the "Pending Ordinance Doctrine" notice was advertised in the Key West Citizen (2/16/2005), the Keynoter (2/19/2005), and the Reporter (2/18/2005), and several public hearings were held concerning its application retroactive to March 1, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1: That pursuant to the pending legislation doctrine set forth in Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2nd DCA 1980), County staff shall continue the policy of deferring acceptance and processing of development applications, the issuance of development approvals for the redevelopment or conversion of ten (10) units or more of multi-family rental housing and/or mobile home parks and requests for a Land Use District Zoning Map Amendment from Urban Residential Mobile Home (URM) and Urban Residential Mobile Home-Limited (URM-L) to any other land use zoning district designation.

Section 2. That this policy shall be in effect until new land development regulations or amended land development regulations are adopted by the Board of County Commissioners or until the passage of 180 days, whichever occurs first.

Section 3. That the following definitions apply in this Resolution:

- **Conversion** means a change in use as applied under Chapter 9.5, Monroe County Code.
- **Mobile home park** means any real property containing ten (10) or more mobile homes that is governed by Chapters 513 and 723, Florida Statutes.
- **Mobile home** has the same definition as set forth in Sections 320.01(a), 513.01(3) and 723.003(3), Florida Statutes.
- **Multi-family rental housing** means ten (10) or more attached and/or detached dwelling units, including mobile homes not in a mobile home park, on a parcel or contiguous parcels under common ownership leased or have been available for lease of tenancies of thirty (30) days or more within three-hundred sixty five (365) days prior to the effective date of this Resolution.

- **Redevelopment** means the proposed removal, replacement or demolition of existing dwelling units or mobile homes for the purpose of constructing on the property attached or detached dwelling units that are built outside the footprints of existing structures and/or are built to have a total enclosed habitable floor area greater than the existing structures.

Section 4. That until expiration of the Resolution, no building permit application or planning approval identified in Section 1 herein shall be granted pursuant to an application or request with a submittal date of March 1, 2005 or later.

Section 5: That Growth Management staff is directed to continue the preparation and adoption of land development regulation amendments and other supporting studies in cooperation with the Planning Commission in order to address the need for maintaining the stock of affordable housing for the county workforce and to address the redevelopment and conversion of multi-family rental housing and/or mobile home parks that would exacerbate the County's limited affordable housing supply.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the 17th day of August, 2005.

Mayor Dixie Spehar	<u>Yes</u>
Mayor Pro Tem Charles "Sonny" McCoy	<u>Yes</u>
Commissioner Murray Nelson	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>



(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

Daniel C. DeSantis

Deputy Clerk

FILED FOR RECORD
05 SEP -2 AM 10:35
DANNY L. KOLHAGE
CLERK, CIR. CL.
MONROE COUNTY, FLA

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY

Dixie M. Spehar

Mayor Dixie Spehar

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Susan M. Grimsley

SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY